IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4705 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHANDANBEN DILIPBHAI JADAV

Versus

REGIONAL PASSPORT OFFICE

Appearance:

MR ZUBIN F BHARDA for the Petitioner.

MR UI VYAS for Respondent No. 1

MR DN PATEL for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/05/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is

taken up for hearing today.

The petitioner has already applied for passport, but her apprehension is that the authority may record only the birth date as mentioned in the School Leaving Certificate. The say of the petitioner is that as per the School Leaving Certificate, the birth date which is mentioned is 19.11.1937. However, as per the extract from the Birth and Death Register, the date of birth is 2.12.1938. According to him, the passport authority should consider the aforesaid birth date, i.e. 2.12.1938. However, since the application for passport is pending, it is not necessary for this Court to pass any order.

Considering the facts and circumstances of the case, the Authority is directed to decide the application of the petitioner pending before the Authority. The Authority may decide the application of the petitioner in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 2.12.1938, then necessary orders posting appropratie entry may be passed and on that basis, passport may be given to the petitioner. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law. The decision may be taken expeditiously and the passport may be issued as early as possible.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with no order as to costs.

Direct service is permitted.

(P.B. Majmudar, J.)

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(apj)